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Doron Shachar  
Way2call Communications, Inc.  
211 Warren Street  
Newark NJ 07013

**MAILED**

**FEB 04 2011**

**OFFICE OF PETITIONS**

In re Patent Number: 7,061,901 :  
Issue Date: 06/13/2006 : ON PETITION  
Application Number: 09/392,668 :  
Filing Date: 09/07/1999 :  
For: DATA NETWORK AND PSTN :  
TELEPHONY SYSTEM :

This is a letter in reference to the petition under 37 CFR 1.378(c), filed on October 15, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

37 CFR 1.378(d) states that any petition under this section must be signed by an attorney or agent registered to practice before the U.S. Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

The petition form has been signed by Doron Shachar. However, petitioners have not provided sufficient proof that the person signing the petition, Doron Shachar, is authorized to act on behalf of the assignee.

MPEP 2590, states, in pertinent part:

Any petition under 37 CFR 1.378 must be signed by an attorney or agent registered to practice before the U.S. Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. A person or organization whose only responsibility insofar as the patent is concerned is the payment of a maintenance fee is not a party in interest for purposes of 37 CFR 1.378. If the petition is signed by a person not registered to practice before the Office, the petition must indicate that the person signing the petition is

the patentee, assignee, or other party in interest. An assignee must comply with the requirements of 37 CFR 3.73(b) which is discussed in MPEP § 324.

MPEP 324 states, in pertinent part:

The submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. The submission under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following manner if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.):

(A) The submission may be signed by a person in the organization having apparent authority to sign on behalf of the organization. 37 CFR 3.73(b)(2)(ii). An officer (chief executive officer, president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. Modifications of these basic titles are acceptable, such as vice-president for sales, executive vice-president, assistant treasurer, vice-chairman of the board of directors. In foreign countries, a person who holds the title "Manager" or "Director" is normally an officer and is presumed to have the authority to sign on behalf of the organization. A person having a title (administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee. A power of attorney (37 CFR 1.32(b)(4)) to a patent practitioner to prosecute a patent application executed by the applicant or the assignee of the entire interest does not make that practitioner an official of an assignee or empower the practitioner to sign the submission on behalf of the assignee.

(B) The submission may be signed by any person, if the submission sets forth that the person signing is authorized (or empowered) to act on behalf of the assignee, i.e., to sign the submission on behalf of the assignee. 37 CFR 3.73(b)(2)(i).

(C) The submission may be signed by a person empowered by an organizational resolution (e.g., corporate

resolution, partnership resolution) to sign the submission on behalf of the assignee, if a copy of the resolution is, or was previously, submitted in the record.

Where a submission does not comply with (A), (B), or (C) above, evidence of the person's authority to sign will be required.

It is recommended that the person with authority to bind the corporation complete and sign the attached Statement Under 37 CFR 3.73(b) and submit it, along with a new petition form.

No additional fees are due.

A reply to this communication should be submitted within ONE (1) MONTH of receipt of this communication. This time period may not be extended. See 37 CFR 1.181.

Additionally, the Office notes that the address indicated on the petition differs from the address of record. As a one-time courtesy the Office will mail this communication to the address listed in the petition. However, if petitioners wish to receive future correspondence concerning this patent, petitioners should submit a change of correspondence address. The appropriate form (Form PTO/SB/123) accompanies this decision for petitioners' convenience.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop PETITIONS  
                  Commissioner for Patents  
                  Post Office Box 1450  
                  Alexandria, VA 22313-1450

By hand:           Customer Service Window  
                  Mail Stop Petitions  
                  Randolph Building  
                  401 Dulany Street  
                  Alexandria, VA 22314

By fax:           (571) 273-8300  
                  ATTN: Office of Petitions

Correspondence may also be submitted electronically via the Electronic Filing System - EFS Web.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

*C. T. Donnell*

Christina Tartera Donnell  
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Office of Petitions

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Encl: PTO/SB/66  
PTO/SB/96  
PTO/SB/123